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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/973,835 | 10/11/2001 | Clemens Beisch | 055842-0104 | 7771 |
| 22428 | 7590 | 10/31/2006 | EXAMINER | |
| FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007 | | | GRANT II, JEROME | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2625 | |

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/973,835 | Applicant(s) BEISCH ET AL. | |
| | Examiner Jerome Grant II | Art Unit 2625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-20 and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-20 and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Phillips.

With respect to claim 18 Phillips teaches a target (see figure 5, see also col. 5, lines 20-25) for calibration of digital devices, comprising a plurality of colored fields, (see fig. 5 and col. 4, line 50 – col. 5, line 25., wherein the colored fields are printed by a subtractive multicolor printing process by means of frequency modulated screening(see figures 3a-3d and the CMYK subtractive colors.

With respect to claims 19 and 24, Phillips teaches this limitation by col. 4, line 67.

With respect to claims 20 and 25, Phillips teaches this limitation by the print screens according to col. 6, lines 65-69 and figures 2a-2c for plural print screens.

With respect to claim 26, Phillips a ten fold repetition according to the 10 cols of colors that are shown in different hue positions.

With respect to claim 22, Phillips teaches reading a calibration picture (figure 5) into an input device (electronic scanner according to col. 6, lines 60-65) and adjusting the color values (density values according to col. 4, lines 5-10) wherein the calibration picture is a target (shown by figure 5).

With respect to claim 23, Phillips teaches manufacturing a calibration target for calibrating digital input devices (col. 6, lines 60-65) comprising the colored fields (col. 4 lines 43-45) on the calibration target according to the multi-color printing process (see col. 4, line 67) by means of frequency modulated screening(see figure 3a-3c) .

2. Examiner's Remarks

Applicant's remarks have been considered but are unpersuasive to allow the claims nor to overcome the outstanding rejection.

Applicant argues that: "Phillips Fails To Teach or Suggest a 'Target for Calibration of Digital Input Devices'"

The examiner has shown how this limitation is true and supported by Phillips. The examiner relied upon figure 5 and the teaching at col. 5, lines 20-25. However, applicant did not argue who the teaching of Phillips, as relied upon by the examiner, could not anticipate the claim. Applicant has instead made extraneous arguments defunct of any reference to the locations relied upon to support the examiner's rejection.

Moreover, applicant argues that: "Phillips Fails to Teach or Suggest a Target 'Printed by a Subtractive Multicolor Printing Process by Means of Frequency Modulated Screening.'" The examiner strongly disagrees with applicant's contention.

Applicant's recitation found at the bottom of page 6 of the arguments is proof, that Phillips does teach frequency modulated screens. Each of the respective subtractive colors, CMYK, are reproduced at screen angles which are different from one another to avoid the appearance of Moire patterns at production. In addition to col. 1, line 67 and col. 2, line 7, see also col. 2, lines 30-40 which show the different screens modulated with different percentage screens. Figures 3a-3d clearly shows the screens at different angles. Hence, each respective color is reproduced with a different screen angle. Therefore, the image data being printed is screen modulated at different frequencies to avoid the Moire effect.

Lastly, applicant argues that Phillips is not directed toward a target nor does it relate to a target. The target that applicant is claiming is synonymous with the "proofing sheets" referred to as being in the prior art, according to Phillips, and it also corresponds with the improvement that Phillip addresses, namely the target shown by figure 5.

3.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

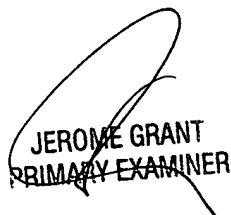
4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Thurs. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore, can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II


JEROME GRANT
PRIMARY EXAMINER